

REMARKS

Claim 1 stands rejected under 35 USC 102(e) as anticipated by Goodson et al. (USPN 5,715,277). The rejection is respectfully traversed.

The Examiner notes, in Response to Arguments on page 2 of the Office Action, that “Goodson discloses determining and storing in a table (e.g. a memory including at least a lookup table) at least one transmission method with at least one transmission speed that represents a maximum data throughput rate for different line parameters (col. 9, lines 42-67; col. 10, lines 1-8). Applicants respectfully disagree.

In Goodson, the method is executed each time a communication link is established. That is, line parameters are executed every time a communication request is sent. In the claimed invention, on the other hand, a table is created including at least one optimal transmission rate for each line parameter. The table is created once, for exam[ple, during the setup of a first communication established over the line. During subsequent communications links established over the line, line parameters are measured and the optimal transmission rate for the line parameters is determined by look up in the table. This is required, for example, in claim 1 (as amended) which states “determining in a test setup and storing in a table at least one transmission method, with at least one transmission speed that represents a maximum data throughput rate for different line parameters of lines.” Significantly, when a communication link is established, only the line parameters have to be measures, but there is no need to test the different transmission rates each time a communication is established.

Claims 2 and 4 stand rejected under 35 USC §103(a) as being unpatentable over Goodson in view of BROTHERS (2003/0016794). The rejection is respectfully traversed for the same reasons presented in the arguments above.

Claim 3 stands rejected under 35 USC §103(a) as being unpatentable over Goodson and BROTHERS, and further in view of Zirwas (USPN 6,798,855). The rejection is traversed for the same reasons presented in the arguments above, and since Zirwas is not appropriate prior art. Zirwas was owned by the same assignee as Applicant at the time of invention, and has a priority date less than one year before the date of the instant invention.

Applicants appreciate the indication that claims 5-9 are allowable if rewritten in independent form to include any base and/or intervening claims.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 118744-092.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29177

Dated: March 10, 2008